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PROGRAM

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Abstract

The *Existing Renewable Facilities Program Guidebook* describes the requirements to apply for and receive production incentives from the Existing Renewable Facilities element of the Energy Commission's Renewable Energy Program. This program is to improve the competitiveness of existing in-state renewable generating facilities so these facilities may become self-sustaining without further public funding by 2011, and to secure for California the environmental, economic, and reliability benefits these facilities provide by continuing to operate. The *Guidebook* outlines eligibility and legal requirements, details how funding awards will be made, describes invoicing procedures, and includes necessary forms and instructions for program participants.

Keywords: Renewable energy, production incentives, Renewables Portfolio Standard, biomass, solar thermal electric, wind, existing renewable

I—Introduction

The California Energy Commission (Energy Commission) has developed this *Existing Renewables Facilities Program Guidebook* to implement and administer its Existing Renewable Facilities Program (ERFP) according to Senate Bill 1038¹, Senate Bill 1250², Senate Bill 1036,³ and Assembly Bill 3048⁴. These laws, along with the Reliable Electric Service Investments Act,⁵ extend the collection of a non-bypassable system benefit charge initiated in 1998 under Assembly Bill 1890⁶ and authorize the expenditure of funds collected to support existing, new, and emerging renewable resources. ~~The goal of these laws is to~~ will establish a competitive, self-sustaining renewable energy supply for California while increasing the near-term quantity of renewable energy generated in-state.

This *Guidebook* describes the requirements for receiving funding under the ERFP. The ERFP is one of several program elements within the Energy Commission's Renewable Energy Program.

The Energy Commission has adopted other guidebooks to address the requirements to receive funding under other elements of the Renewable Energy Program. In addition, the Energy Commission has adopted guidelines governing the overall administration of the Renewable Energy Program in the *Overall Program Guidebook*, which describes how the Renewable Energy Program and its elements will be administered. Also the Energy Commission has adopted the *Renewables Portfolio Standards Eligibility Guidebook*, which describes the eligibility requirements for renewable energy to qualify for the Renewables Portfolio Standard.

To qualify for funding under the ERFP, applicants must satisfy the requirements contained in both the *Overall Program Guidebook* and this *Existing Renewable Facilities Program Guidebook*. This *Guidebook* supersedes the previous *Guidebook*, *Existing Renewable Facilities Program Guidebook*, Fifth ~~Fourth~~ Edition.

For more information about the Renewable Energy Program, please visit the Energy Commission's website at <www.energy.ca.gov/renewables>.

¹ Senate Bill 1038 (Sher, Chapter 515, Statutes of 2002) The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code Sections 383.5 and 445 but are now codified in Public Resources Code Sections 25740 through 25751 as a result of Senate Bill 183 (Sher, Chapter 666, Statutes of 2003).

² Senate Bill 1250 (Perata, Chapter 512, Statutes of 2006). SB 1250 amends pertinent provisions in Public Resources Code Sections 25740 through 25751, including requirements related to the ERFP in Section 25742.

³ Senate Bill 1036, (Perata, Chapter 685, Statutes of 2007).

⁴ Assembly Bill 3048; Chapter 558, Statutes of 2008. AB 3048 amends Section 25742 of the Public Resources Code to remove restrictions on the biomass fuels used by biomass facilities participating in the Existing Renewable Facilities Program.

⁵ Public Utilities Code Section 399, et seq., as enacted by Assembly Bill 995 (Kaloogian, Chapter 1051, Statutes of 2000) and Senate Bill 1194 (Sher, Chapter 1050, Statutes of 2000).

⁶ Assembly Bill 1890 (Brulte, Chapter 854, Statutes of 1996.)

II—Purpose

The purpose of the ERFP is to will improve the competitiveness of existing in-state renewable generating facilities so these facilities may become self-sustaining without further public funding by 2011 and secure for California the environmental, economic, and reliability benefits these facilities provide by continuing to operate.

III—Overview

The ERFP provides funding in the form of production incentives to eligible renewable energy facilities for each kilowatt-hour of eligible electricity generated. To qualify for funding, applicants must ensure that the renewable facility and electricity generated meet a number of requirements. The facility must use an eligible renewable energy resource to generate electricity and be located either within the state or near the state's border with its first point of interconnection to the transmission systems within the state. Eligible renewable energy resources include biomass, solar thermal electric, and wind. In addition, the facility must not be owned by an electrical corporation or local publicly owned electric utility and must be certified by the Energy Commission as eligible for California's Renewables Portfolio Standard (RPS). Lastly, in order for electricity generation to be eligible for payment, the generation must not be sold the electricity generated must not be sold at an energy price that's above the applicable target price⁷ under a fixed price contract with an energy price above the applicable target price⁸ on a monthly average basis, or be used on-site, or sold in a manner avoiding competitive transition charge payments.

Facilities seeking funding from the ERFP must submit an Application for ERFP Funding Eligibility form (CEC-1250E-1) to the Energy Commission and must be an RPS-certified facility. Applicants for any facility that previously participated in the Existing Renewable Facilities Program are required to submit form CEC-1250E-1 and update their information to qualify for funding under the ERFP. Applicants that are eligible for funding must submit monthly invoices to document eligible generation and receive funding for their eligible generation. The Energy

⁷ A facility may receive incentive payments from the Energy Commission based on its monthly average energy price or on a Time-of-Use basis. If a facility's production incentive payments are based on the monthly average energy price, then only generation sold at a monthly average price that is below that facility's target price is eligible for payment. However, if a facility's payments are based on a time-of-use basis, then only generation sold at time-of-use prices that are below that facility's target price is eligible for payment.

⁸ This applies to any facility that receives energy payments for a majority of its generation that were known or ascertainable at the time the contract was entered into or amended, and the fixed price portion has an annual average that is greater than the applicable ERFP target price.

Commission reviews these invoices and makes incentive payments based on the eligible generation and the applicable production incentive rate.

A. Program Funding

Senate Bill 1036 revised the ERFP's allocation of funds from 10 percent to 20 percent of the funds collected for the Renewable Energy Program, although the bill reduced the funds collected by the Renewable Resources Trust Fund by 51.5 percent.

Although existing wind facilities are technically eligible for funding, they currently do not require assistance. Therefore, all ERFP funds are available for eligible existing solid-fuel biomass facilities and solar thermal electric facilities. However, the Energy Commission reserves the right to allocate funding for existing wind energy facilities in the future based on changes in market conditions.

The funds available to the ERFP annually are allocated monthly in equal amounts. Any funds not disbursed in a given month are rolled over into the following month for distribution.

B. Eligibility Requirements

Facilities must satisfy the following requirements to participate in the ERFP.

1. Eligible Renewable Energy Resource

Facilities must use eligible solid-fuel biomass, solar thermal electric, or wind energy to generate electricity. ~~Eligible solid-fuel biomass is limited to the following:~~

- ~~a. Agricultural crops and agricultural wastes and residues.~~
- ~~b. Solid waste materials such as waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape or right of way tree trimmings, mill residues that are directly the result of the milling of lumber, and rangeland maintenance residues.~~
- ~~c. Wood and wood wastes that meet all of the following requirements:~~
 - ~~i. Have been harvested under an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code).~~
 - ~~ii. Have been harvested for forest fire fuel reduction or forest stand improvement.~~

iii. ~~Do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture and the Department of Forestry and Fire Protection, unless approved by these agencies.~~

Before January 1, 2007, eligible biomass facilities were permitted to use up to 25 percent fossil fuel annually on a total energy input basis consistent with the federal Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) and Section 292.204, Subdivision (b), of Title 18 of the Code of Federal Regulations. ~~However, the law as amended by SB 1250 contemplates restrictions on the use of fossil fuel for biomass facilities.~~ Because existing solid-fuel biomass facilities may require at least a minimal amount of fossil fuel use to operate,⁹ facilities participating in the ERFP are allowed to use up to 5 percent fossil fuel on a total energy input basis annually and still have 100 percent of their generation eligible for ERFP funding. For facilities that use more than 5 percent fossil fuel, eligible generation is defined as electricity generated strictly by eligible solid-fuel biomass fuels. In this case, no electricity generated by fossil fuel in excess of 5 percent will be eligible. For example, if a facility uses 15 percent fossil fuel, only 85 percent of the facility's total net metered generation will be eligible for payment. The total energy input of a facility shall be determined annually on a calendar year basis in a manner consistent with Section 292.204(b) of Title 18 of the Code of Federal Regulations and expressed in millions of British Thermal Units (mmBTU).

Existing solar thermal electric facilities under the RPS are allowed to use up to 25 percent fossil fuel and still have 100 percent of their net-metered generation eligible for payment.

Although facilities that use wind energy to generate electricity are eligible to participate in the ERFP, it is unlikely that any such facilities will qualify for funding unless market conditions change significantly.

In addition, facilities must be certified as eligible for California's RPS. For information on RPS eligibility requirements, refer to the Energy Commission's *Renewables Portfolio Standard Eligibility Guidebook*.

2. In-State Location

A facility must be physically located in California or located near California's border with its first point of interconnection to the Western Electricity Coordinating Council's (WECC) transmission grid located in California. Facilities that are located out-of-state are not eligible for ERFP funding.

3. Operational Date

⁹For example, fossil fuel may be required for ignition, startup, testing, flame stabilization, and control uses and to alleviate or prevent unanticipated equipment outages or emergencies.

Facilities must have commenced commercial operations as a renewable energy facility, consistent with the requirements of the federal Public Utility Regulatory Policies Act of 1978 and Section 292.204, Subdivision (b), of Title 18 of the Code of Federal Regulations, on or before September 26, 1996.

4. Facility Ownership

Facilities must not be owned by an electrical corporation as defined in Public Utilities Code Section 218 or a local publicly owned electric utility as defined in Public Utilities Code Section 9604(d).

5. ~~Fixed Price Contract~~ Payments Based on an Average Energy Price or Time-of-Use (TOU) Basis

~~A facility must not be selling its electrical generation under a fixed price power purchase contract that provides energy price payments above the target prices listed in this Guidebook. This applies to any facility with a power purchase contract that provides energy payments for a majority of the facility's generation, where the energy payments are based on a price per unit measure of electricity that (1) was known or ascertainable at the time the contract was entered into or amended, and (2) has an average fixed energy price greater than the applicable facility specific target price established by the Energy Commission.~~

A facility may receive incentive payments from the Energy Commission based on its monthly average energy price or on a TOU basis. If a facility's production incentive payments are based on the monthly average energy price, then only generation sold at a monthly average price that is below that facility's target price is eligible for payment. However, if a facility's payments are on a time-of-use TOU basis, then only generation sold at time-of-use TOU prices that are below that facility's target price is eligible for payment.

6. Eligible Electrical Generation

To qualify for ERFP funding, a facility's electrical generation must satisfy the following requirements:

- a. The energy must be generated after January 1, 2007.
- b. The energy must be sold to customers within the State of California.
- c. The energy must not receive monthly energy payments at a price equal to or greater than the applicable target price as determined by the Energy Commission for the entire year. Facilities with variable contract prices will be eligible for funding during months,

or TOU periods when their contract prices are less than the applicable target price assigned to the facility.

- d. Eligible generation is net-metered generation. For the ERFP, “net-metered generation” is generation that is sold to the grid and not used on site for the facility’s own electrical demand.
- e. The energy must not be sold to customers of local publicly owned electric utilities.
- f. The energy must not receive incentive payments or funding from any other state program ~~of the Renewable Energy Program elements or from the Energy Commission’s New Renewable Resources Account under Senate Bill 90.~~⁴⁰
- ~~g. The energy must not be excluded from any applicable competitive transition charge payments (such as over-the-fence transactions⁴¹) or sold in a manner avoiding these payments.~~

C. Facilities to Be Placed in One of Five Tiers Based on Information Submitted

By law, the Energy Commission must consider the following factors in determining facility funding.

- The cumulative amount of funds the facility has previously received from the Energy Commission and other state sources.
- The value of any past and current federal or state tax credits.
- The facility’s contract price for energy and capacity.
- The market value of the facility.
- An estimate of the incentive payment needed (in cents/kWh) above the energy payments the facility will receive during the calendar year the applicant is applying for. Also an explanation of why this incentive level is needed.
- An explanation of how the incentive payments from the ERFP will allow the facility to become cost-competitive by the end of the 2011.

Facilities seeking ERFP funding must submit this information to the Energy Commission. Once this information is submitted, the facility is evaluated and placed in one of five tiers based on the facility’s renewable energy resource type, average annual energy price, variable price, or “all-in” price contract type, and the utility contract to which the generation is sold.

⁴⁰ ~~Senate Bill 90; Chapter 905, Statutes of 1997; as codified in former Public Utilities Code Sections 383.5 and 445.~~

⁴¹ ~~See Public Utilities Code Section 372.~~

This *Guidebook* specifies the applicable target price and production incentive cap in a given funding tier. The target price represents the price for the facility's energy below which the facility could not reasonably expect to operate sufficiently without need of program funding. The production incentive caps represent the highest incentive level the Energy Commission believes is reasonable given the program funding, the energy market, and the prices received by other eligible renewable energy facilities.

Table 1 below shows the funding tiers for facilities participating in the Existing Renewable Facilities Program. The tiers are based on the facility's renewable energy resource type, average annual energy price or contract type, and utility power purchase contract under which the generation is sold.

**Table 1: Tiers for Facilities Participating
in the Existing Renewable Facilities Program**

Tier	Energy Resource	Average Annual Energy Price	Investor-Owned Utility Contract
Tier 1	Solar Thermal Electric	Facilities with power purchase contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 4.0 cents/kWh or less.	PG&E, SCE, and SDG&E
Tier 2	Biomass	Facilities with <u>power purchase</u> contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 5.0 cents/kWh or less.	PG&E and Sierra Pacific Power Company
Tier 3	Biomass	Facilities with <u>power purchase</u> contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 5.0 cents/kWh or less.	SCE, SDG&E
Tier 4	Biomass and Solar Thermal Electric	Facilities with <u>power purchase</u> contracts receiving variable monthly energy payments based on the short-run avoided cost (SRAC) or facilities with contracts receiving fixed monthly average energy prices for a majority of their generation greater than 5.0 cents/kWh but less than or equal to 6.5 cents/kWh <u>or facilities receiving all-in prices.</u>	SCE, SDG&E
Tier 5	Biomass and Solar Thermal Electric	Facilities with <u>power purchase</u> contracts receiving variable monthly energy payments based on the short-run avoided cost (SRAC) or facilities with contracts receiving fixed monthly average energy prices for a majority of their generation greater than 5.0 cents/kWh but less than or equal to 6.8 cents/kWh <u>or facilities receiving all-in prices.</u>	PG&E and Sierra Pacific Power Company

D. Production Incentive Rate

ERFP funds are paid monthly as a simple cent-per-kilowatt-hour (kWh) production incentive for each hour of qualifying electricity that an eligible facility generates. Payments from the ERFP are capped at \$18 million¹² per calendar year.

Incentive payments are calculated each month by multiplying the facilities eligible generation by an incentive rate. Incentive rates vary by facility and are based on the **lowest** of three possible calculations defined below. Incentive payments may be adjusted based on the availability of funds using the adjustment fund multiplier (AFM) in the third possible calculation below. The AFM has been modified from previous versions of this *Guidebook*. The intent of the current AFM, as designed, is ~~that generation from to provide production incentives to facilities in~~ Tier 1, Tier 2, and Tier 3 ~~facilities will be paid~~ at their assigned production incentive cap. Based on an analysis of information reported to the Energy Commission in 2007 and 2008, Tier 1, Tier 2, and Tier 3 facilities currently require more financial assistance from the Existing Renewable Facilities Program ~~in order to remain online operational.~~ For each month, incentive payments to those facilities in Tier 1, Tier 2, and Tier 3 will be the first priority. Remaining funds, if available, will then be used to pay paid to production incentives to the facilities in Tier 4 and Tier 5 ~~facilities for generation from those months.~~

The incentive rates used to calculate payments to facilities are based on the lesser value from three possible calculations:

- 1) The difference between a predetermined target price and market price.
- 2) A predetermined cent per kWh production incentive rate cap.
- 3) A funds-adjusted incentive rate. The funds adjusted rate will be calculated each month as follows:
 - A. Each month, the funds remaining for the year are divided into two tranches, a tranche for Tier 4 and Tier 5, and another tranche for Tier 1, Tier 2, and Tier 3. The tranche for Tier 1, Tier 2, and Tier 3 will be calculated first and will be ~~comprised composed~~ of:
 - a) The sum of payments for Tier 1, Tier 2, and Tier 3 (using incentive rates that are the lesser of (1) and (2) above) for the current month.

¹² This cap is based on future estimated allocations to the Existing Account. The Energy Commission reserves the right to adjust this cap based on actual allocations to the Existing Account.

- b) An estimate of the funds needed to pay the Tier 1, Tier 2, and Tier 3 payments for the remainder of the year¹³ (using incentive rates that are the lesser of (1) and (2) above).
- B. If the sum of payments in (3.A.a) is greater than the funds remaining for the current year (the funding cap minus payments made during prior months) then the incentive rates for Tier 1, Tier 2, and Tier 3 will be reduced by the AFM as follows:
- a) Divide the remaining program funds by the sum of the Tier 1, Tier 2, and Tier 3 payments for the given month (using incentive rates that are the lesser of (1) and (2) above) to obtain the AFM.
 - b) Multiply the incentive rates for the Tier 1, Tier 2, and Tier 3 facilities by the AFM to determine the funds-adjusted incentive rate for each facility.
- C. During months when the AFM is applied to Tier 1, Tier 2, and Tier 3, or if the Tier 1, Tier 2, and Tier 3 tranche is equal to or greater than the funds remaining for the year, Tier 4 and Tier 5 facilities will not be eligible for payment. Otherwise, the Tier 4 and Tier 5 tranche will consist of the total program funds remaining for the current year minus the Tier 1, Tier 2, and Tier 3 tranche. Energy Commission staff will calculate potential production incentive payments to Tier 4 and Tier 5 under formulas (1) and (2) above. Using the formula that results in the lower potential payment, if the sum of the potential payments to the Tier 4 and Tier 5 facilities, exceeds the funds available in the Tier 4 and Tier 5 tranche, then the incentive rates will be reduced by the AFM calculated as follows:
- a) Divide the funds in the Tier 4 and Tier 5 tranche by the sum of the Tier 4 and Tier 5 payments for the given month (using incentive rates that are the lesser of (1) and (2) above) to obtain the AFM.
 - b) Multiply the incentive rates for the Tier 4 and Tier 5 facilities by the AFM to determine the funds-adjusted incentive rate for each facility.

The predetermined target prices and incentive caps for each tier are shown in Table 2 below. The Energy Commission may adjust the target prices and incentive caps, if appropriate, to reflect changing market and contractual conditions and to account for inflation.

¹³ The estimated funds needed to pay Tier 1, Tier 2, and Tier 3 facilities will be based on estimated generation, assuming a net capacity factor of 85 percent for biomass generators 15 percent for solar thermal facilities. Net capacity is the facilities nameplate capacity minus capacity used onsite. This estimate is recalculated each month. Funds from overestimates will be expended in the month they become available.

**Table 2: Target Prices and Payment Caps for Existing Renewable Facilities
(cents per kWh)**

Tier	Target Price	Production Incentive Cap
Tier 1	6.2 cents/kWh	2.0 cents/kWh
Tier 2	6.5 cents/kWh	1.5 cents/kWh
Tier 3	6.2 cents/kWh	1.5 cents/kWh
Tier 4	6.2 cents/kWh	1.5 cents/kWh
Tier 5	6.5 cents/kWh	1.5 cents/kWh

California Energy Commission

The Energy Commission intends to pay production incentives for generation from facilities eligible for Tier 1, Tier 2, or Tier 3 at an incentive rate that equals their production incentive cap.

The following is an example of the process that will be used to pay the facilities participating in the program. Tier 1, Tier 2, and Tier 3 facilities will be paid at the lower of the difference between a predetermined target price and market price or a predetermined cents per kWh cap for each month of generation but will be subject to the AFM based on the availability of funds. After the Tier 1, Tier 2, and Tier 3 facilities are paid, the Energy Commission will determine if there are available funds to pay Tier 4 and Tier 5 facilities. Payments to Tier 4 and Tier 5 facilities will be calculated at the lower of the difference between a predetermined target price and market price or a predetermined cents-per-kWh cap for each month of generation. If funds are not available to fully pay the Tier 4 and Tier 5 facilities after the Tier 1, Tier 2, and Tier 3 facilities are paid, the AFM will be applied to calculate Tier 4 and Tier 5 payments. If the remaining funding in a given month is less than the funding requested by the Tier 1, Tier 2, and Tier 3 facilities, then the AFM will be applied.

E. Information That Must Be Provided by Facilities

The Energy Commission will evaluate applications using the information supplied by facilities in form CEC-1250E-1. Placement in one of the five tiers will be determined by the Energy Commission based on application information submitted by the facilities and/or other information as may be available to the Energy Commission that it deems relevant. The Energy Commission reserves the right to use information submitted in previous years' applications and other information in making funding award decisions.

Failure to submit some or all of the following information may result in denial of an application for funding. To qualify for funding, an eligible facility must annually submit the following information:

1. The cumulative amount of any funds the facility has previously received from the Energy Commission since January 1, 1998, itemized by Energy Commission program. The total funds received from the ERF do not need to be provided since that information is available

to ERF staff. However, please provide the time frame the facility has been receiving funding from the ERF.

2. The cumulative amount of any funds the facility has previously received from other state government sources since January 1, 1998, itemized by program or state source. Also provide information on any corresponding costs or losses incurred in connection with such sources/programs and an explanation of how and why these costs or losses were incurred.
3. The amount of funds the facility will receive or is expected to receive from other state government sources through December 31, 2011, and any costs or losses expected to be incurred in connection with the receipt of such funds.
4. The value of any past and current federal tax credits since 1998. (If the facility qualifies for these tax credits but is or has been unable to take advantage of them, explain the reasons why.)
5. The value of any past and current state tax credits since 1998. (If the facility qualifies for these tax credits but is or has been unable to take advantage of them, explain the reason[s] why.)
6. The facility's monthly average contract price for energy (in cents per kWh) and capacity (in dollars per kW-yr) under its current power purchase contract. If the monthly average energy price is not constant for all months of the year or is scheduled to change during the application year, please provide specific monthly data. Please submit supporting documentation in the form of a utility statement or copy of the facilities utility contract. Other forms of verification may be accepted upon approval of the Energy Commission.
7. The market value of the facility. A facility's market value may be based on the facility's assessed value for property tax purposes. If market value is based on the facility's assessed value for property tax purposes, please indicate whether the assessment is made by the county and/or another local or state government entity. Other calculations for market value may be the facility's net present value of their contract revenue stream, book value, or salvage value. When reporting the facility's market value, please state the basis for this determination.
8. An estimate of the target price needed under the ERF (in cents/kWh) to ensure the continued operation of the facility through the application year. Also include an explanation of why this target price level is needed and how the incentive payments from the ERF will allow the facility to become cost-competitive by December 31, 2011. (Explain how changes in contract prices and market conditions relative to previous ERF incentive levels affect the estimated target price provided by applicant.)

9. An estimate of the production incentive cap needed under the ERFP (in cents/kWh) and an explanation of why this cap level is needed given the facility's circumstances.
10. An explanation of how the incentive payments from the Existing Renewable Facilities Program will allow the facility to become self-sustaining by the end of the 2011 calendar year.
11. An explanation of the public benefits provided by the operation of the facility.

Solid-fuel biomass applicants must annually submit the following information on fossil fuel and biomass fuel use for its facility, using form Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4):

12. The type(s) of fossil fuel used by the facility during the previous calendar year, quantity of each fossil fuel used, the total energy input of each fossil fuel used, percentage of fossil fuel used on a total energy input basis and whether the facility is expected to use less than 5 percent fossil fuel during the application year.

13. The types of biomass fuel used, quantity and total energy input of each type of fuel.

~~13. Furthermore, facilities will need to provide the supplier's name, address or location of fuel source, supplier's contact number, and type, quantity and energy content (mmBTU) from each location source. Facilities must also attest that all the fuel used to generate energy is RPS-eligible.~~

Under the California Code of Regulations, Title 20, Section 2501, et seq. ("regulations"), upon formal written request, the Energy Commission will consider applications to hold the above required information confidential. Applicants who wish to apply for confidentiality should use the template form called "Application for Confidential Designation," included in Section IX of this *Guidebook*. The completed template form must include the application for funding eligibility and supporting documentation. Please submit these materials to the attention of the Executive Director of the California Energy Commission at the following address:

Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814

Under the regulations, the Energy Commission has 30 calendar days to issue a decision on confidentiality applications. Further, review of the application to determine a facility's eligibility cannot begin until the Energy Commission issues its decision on the applicant's confidentiality request; therefore, this process may delay application review and approval. If an applicant is seeking confidential designation of information that is substantially similar to information that was previously designated confidential by the Energy Commission, the

applicant may submit a truncated application as provided by Title 20, Section 2505 (a)(4) of the Energy Commission's regulations.

For the ~~2009~~ 2008 calendar year, this information (~~except for form CEC-1250-E4~~) must be submitted within ~~1630~~ days of the adoption of this *Guidebook*. Biomass facilities are required to submit the CEC-1250-E4 form by January 31st of each year for their 2010~~09~~ through 2011 funding applications. ~~Applicants, however, are encouraged to submit all required documentation as soon as possible after the publication of the adopted *Guidebook*.~~ For the ~~2010~~2009 calendar year and beyond, the applicants must submit the aforementioned information by January 31st of each year to be evaluated for funding for that calendar year.

The Energy Commission intends to process funding applications within 30 days of receiving a complete application, which must include any necessary supporting documentation. Applicants will be informed in writing of their eligibility status.

F. Determination of Market Price

The Energy Commission will establish a market price for each facility eligible to receive funding from the ERFP. The market price for each facility will be based on the facility's average energy price per kWh.

For facilities eligible to receive funding from the ERFP, the value of the market price will be determined on a monthly basis according to one of the following options, depending on the type of power purchase contract a facility has for its energy payments.

1. For facilities with an investor-owned utility (IOU) power purchase contract that provides variable monthly energy payments based on the SRAC prices for a majority of the generation, the value of the market price shall be the monthly-period weighted average SRAC price **specific to the IOU the facility is selling its generation to** (such as Pacific Gas and Electric Company [PG&E], Southern California Edison Company [SCE], or San Diego Gas and Electric Company [SDG&E]).
2. For facilities receiving fixed monthly average energy prices for a majority of their generation, the value of the market price for all generation from the facilities will be the fixed monthly average energy price (as specified in the facility's contract) paid for a majority of their generation¹⁴ (for example with Department of Water Resources, an IOU, and so forth). Any California Power Exchange (PX) adjustments incorporated into the fixed-price contracts with the IOUs will be incorporated in determining the market price.

¹⁴ For facilities that signed fixed-price amendments to their IOU contracts and receive 75 percent of payments based on these fixed prices and 25 percent based on SRAC, the energy price component will be equal to the fixed-price value.

For facilities that do not fall under the provisions of options (1) or (2) above, the energy price component will be determined by the Energy Commission based on the actual energy price received by the facility.

G. Time-of-Use Energy Prices

When a facility annually applies for funding from the ERF, applicants will have the **one-time per calendar year** option of having their market price based on average monthly energy prices as specified above or on time-of-use (TOU) energy prices. Whichever method is chosen shall remain in effect until the end of the calendar year in which the facility is applying for funding. For those choosing to have incentive payments based on TOU prices, the TOU periods that will be considered are those specified in the IOU contracts (for examples, on-peak, partial-peak, mid-peak, off-peak, and super off-peak). The Energy Commission will **NOT** make payments based on hourly fluctuations in market prices. To receive incentive payments based on TOU energy prices, third-party statements submitted must clearly summarize generation by TOU periods in addition to meeting all the requirements specified later in this *Guidebook* (Section V). For facilities that choose to have their ERF incentive payments based on TOU energy prices, the value of the market price for all generation from the facilities will be based on the TOU energy prices paid for a majority of their generation (for example, for a facility that receives 75 percent of payments based on 6.5 cents/kWh and 25 percent based on SRAC, the market price for all generation will be based on the 6.5 cents/kWh TOU prices). Furthermore, the Energy Commission will use the TOU generation values specified in the third party verification, without adjustment.

Each applicant that chooses to have its payments based on TOU prices must provide the Energy Commission with third-party verification of compliance with the Energy Commission's TOU requirements. Applicants who do not provide a third-party verification statement that meets the Energy Commission's requirements will have their payments based on average monthly energy prices until the third-party verification is received and accepted by the Energy Commission.

Determination of Market Price for Facilities Receiving "All-In" Prices

The Energy Commission reserves the right to establish a target price that reflects the "all in" price received by these facilities if their contract does not specifically identify the energy price received by the facility. For the purpose of calculating incentive payments, any "all-in" price received by a facility will be treated as the market price. Facilities that have "all-in" power purchase contracts with SCE or SDG&E will be placed into Tier 4. Facilities that have "all-in" power purchase contracts with PG&E or Sierra Pacific Power Company will be placed into Tier 5. The provisions of this paragraph apply not only prospectively, but also retroactively to those facilities that submitted funding award applications for the 2008 calendar year.

IV—Application Process

A. Required Forms

Facilities must apply for ERFPP eligibility to be evaluated and determined eligible for program funding. To apply, facilities must complete an Application for ERFPP Funding Eligibility form (CEC-1250E-1) and be RPS-certified. Applicants for biomass facilities must also submit the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4) to provide fossil fuel use information and submit necessary supporting documentation.

In addition, all applicants applying for funding must submit a completed State of California Vendor Data Record (STD-204). The State of California requires all parties entering into business transactions that may lead to payment(s) from the state to provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646, and Internal Revenue Code, Section 6109. This form must be on file with the Energy Commission before any payments can be made. If you have any questions about this form, please contact the California Franchise Tax Board at 1-800-852-5711. In addition, corporate and limited liability entities must be in good standing on the records of the California Secretary of State to receive payments. The Energy Commission will check an applicant's standing with the Secretary of State when reviewing applications for funding eligibility and notify the applicant if there are any problems.

All applicants for funding must also submit a completed CEC-1250E-3 form, Authorized Signature Form. Only monthly invoices signed by persons listed on this form shall be accepted.

All forms necessary to apply for registration and funding are available in Section IX of this *Guidebook*, on the Energy Commission website, or by contacting the Energy Commission's Call Center.

Website: www.energy.ca.gov/renewables/

Call Center E-mail: Renewable@energy.state.ca.us

Call Center Phone: (800) 555-7794

Completed original forms **must** be mailed to:

California Energy Commission
Attn: Jason Orta
Renewable Energy Program
California Energy Commission
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

Applicants may submit their forms by fax to meet a submittal deadline, provided the original forms are subsequently submitted by mail. Forms should be faxed to (916) 653-1435. See Section IX of this *Guidebook* for instructions on completing forms.

B. Processing Eligibility Forms

Applications for ERFP funding must be accurate, complete, and submitted on or before the due date specified in this *Guidebook*. If the application is incomplete or inaccurate, the Energy Commission may deny the funding request. A complete application consists of the following completed forms:

- Application for ERFP Funding Eligibility form (CEC-1250E-1).
- CEC-1250E-3 form, Authorized Signature Form.
- Biomass facilities must also submit the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4) for the previous calendar year.
- A State of California Vendor Data Record (STD-204) form.

The Energy Commission expects to review and process applications for funding eligibility within 30 days of their receipt, unless questions or concerns arise regarding the applications. If questions arise, the applicant will be contacted and may be asked to submit additional information. Otherwise, the Energy Commission will notify applicants in writing once funding eligibility is determined.

In the previous version of this *Guidebook*, applicants were requested to use the RPS Certification number assigned to that facility for identification purposes by the Energy Commission. Instead of using the RPS Certification number, please use the five-digit CEC ID number. All funding eligibility certificates previously issued in accordance with prior versions of this *Guidebook* become null and void on the date this *Guidebook* is formally adopted by the Energy Commission.

C. Updating Eligibility Forms

All applicants will be required to resubmit the application form (CEC-1250E-1) and to complete the Biomass and Fossil Fuel Usage Report for Biomass Facilities form (CEC-1250E-4) by January 31 of each year. The Energy Commission will re-evaluate each application and ~~make a determination of~~ determine eligibility and funding for the calendar year. Eligible applicants that are approved for funding will be ~~issued a new Funding Award Notice placed in one of the five tiers described in sSection III(C) of this Guidebook.~~

When changes occur during a calendar year that may affect a facility's eligibility, the facility must submit new forms identifying changes to the information submitted on the original funding eligibility application, Vendor Data Record, or authorized signature form. Any revised forms submitted should be noted as amendments to the original forms.

V—Incentive Payment Process

A. Monthly Invoices

To receive funding, an authorized representative of the eligible facility must submit monthly invoices for each month in the calendar year to document the facility's eligible generation along with a written third-party verification of the eligible electricity generated. This information is required each month, even though applicants may not be eligible for incentive payments. The Energy Commission reviews these invoices and makes incentive payments based on the eligible generation and the applicable production incentive rate. See Section IX of this *Guidebook* for the monthly invoice form (CEC-1250E-2) and instructions for completing this form.

A written statement from an independent third party verifying the facility's electricity production data for the billing month must accompany the facility's invoices. The third party must be independent of the facility and gather data on the amount of electricity production supplied by the facility to the transmission grid or distribution system each month. The independent third party may be a utility, the Independent System Operator created under Section 330 of the Public Utilities Code, an aggregator, a scheduling coordinator, or other similar entity. For those facilities eligible for incentives based on time-of-use generation, the third party verification must include a breakdown of the total monthly generation by time-of-use period.

Facilities that do not use a utility statement as their third-party verification must include a signed letter from an independent third party verifying the facility's generation. This letter must be submitted to the Energy Commission by the facility, be on the third-party's letterhead,

and include at a minimum: facility name, facility CEC ID number, generation month, and total generation for the month. If the independent third-party's statement is **NOT received** in time to submit it with the facility's invoice, the facility must submit its monthly invoice with other evidence of the amount of eligible power generated during the billing month. A letter explaining that the third party's statement could not be submitted and describing the evidence submitted in its place must also be submitted with the invoice.

The Energy Commission will evaluate monthly invoices submitted without third-party verification on a case-by-case basis and notify the facility whether the amount claimed in the invoice, or any part of it, will be accepted and paid. The Energy Commission has no duty to pay an unsupported invoice, but it may elect to pay only that portion of the invoiced amount that appears to be reasonable, given the evidence submitted in support of the invoice, the prior months' generation, and other factors deemed pertinent at the time of evaluation. The third-party statement **must** be subsequently furnished to the Energy Commission if and when it becomes available. Payment adjustments then can be made for any differences in the estimated eligible generation and actual eligible generation. All monthly invoices and third-party statements submitted to the Energy Commission become **public records** and are subject to public disclosure.

Invoices shall be submitted to the Energy Commission by the due dates shown in Table 3, Invoicing Schedule.

Invoices may be **submitted by fax or by mail** to the following address:

California Energy Commission
Renewable Energy Program
Attention: Accounting Office, MS-2
1516 Ninth Street
Sacramento, CA 95814-5512

Fax: (916) 653-1435

The Energy Commission must receive invoices at the above address no later than 11:59 p.m. if by fax or 5 p.m. PST if by mail on the due date specified in the Invoicing Schedule. If an invoice is incomplete, illegible, or received after the due date specified in the Invoicing Schedule, the facility will be notified by fax why the invoice is rejected. This notice will be faxed to the contact person identified on the eligibility form or monthly invoice form. The facility is responsible for ensuring that the contact information is current.

Facilities that fail to invoice the Energy Commission properly for a given billing month, as specified herein, shall **NOT** receive payment for that billing month.

After receiving invoices, the Energy Commission will calculate payments based on the incentive rate formulas and market price options described in Section III of this *Guidebook*.

The ERFP will not provide incentive payments to a facility with energy prices above the applicable target price. The authorized representative of an eligible facility is responsible for providing the Energy Commission with sufficient proof to document the prices received for generation funded through the ERFP. Failure to provide adequate documentation shall result in NO incentive payments being made until the appropriate documentation is provided.

The Energy Commission will not require disclosure of the actual energy prices received for any month in which a facility does not seek ERFP funding. For facilities receiving payments under SRAC, a utility statement (which should be submitted as third-party verification) shall be sufficient to meet this requirement.

B. Payments

The Energy Commission intends to make incentive payments within 60 days of the end of the billing month. Table 3, Invoicing Schedule, lists invoice due dates and anticipated payment mailing dates. ~~It is anticipated that payment for January through August 2008 generation will be mailed on or about November 7, 2008. However, given the initial review that is required this first payment may be delayed.~~ The Energy Commission will send a statement that explains how the payment was calculated for the billing month. The statement will also give the program-to-date status both for the facility and for the entire ERFP. A sample statement for January 2008 is included at the end of this *Guidebook*. Eligible facilities that fail to invoice the Energy Commission by the due dates provided in this *Guidebook* may not receive payment for that billing month.

C. Withholding Payments

Periodically, the Energy Commission may adjust the monthly payment (for instance, to correct a meter reading or reporting error from prior months). These adjustments will be reflected on the monthly statement.

Biomass Fossil Fuel Usage

As discussed in Section III, facilities that use more than 5 percent fossil fuel on a total annual energy input basis or found to be using ineligible biomass will have their eligible generation reduced. For example, if the facility uses 15 percent fossil fuel on a total energy input basis, eligible generation for payment will be 85 percent of facility total energy input. To address any overpayments as a result of excess fossil fuel use or ineligible biomass fuel use, the Energy Commission will withhold payments for at least the final two billing months of each year (November and December). Payments for these months will be made once the Energy Commission has reviewed a facility's annual report on fuel usage and confirmed compliance with the 5 percent fossil fuel limitation or made adjustments to the facility's eligible generation

based on excessive fossil fuel usage or ineligible biomass fuel use. The Energy Commission reserves the right to withhold payments for additional billing months if necessary to address a facility's excess fossil fuel usage or ineligible biomass fuel use. If the amount of the withheld payments is insufficient to address any overpayments, the facility shall reimburse the ERFP as specified by the Energy Commission in writing.

Applicants are required to provide fossil fuel and biomass fuel usage for the previous calendar year in the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4), which is due with funding applications. The CEC-1250E-4 requires the following information:

- ~~1) Name of the supplier~~
- ~~2) Address or location of fuel source(s)~~
- ~~3) Supplier's Contact Number~~
- ~~4)1) Type of fuel used: agricultural, solid waste, wood/waste from state forests~~
- ~~5)2) Quantity of biomass fuel from each supplier in bone dry tons per location~~
- ~~3) Total energy input of biomass fuel (mmBTU) from each supplier per location~~
- ~~4) Types of fossil fuel used~~
- ~~6)5) Total energy input of fossil fuel (mmBTU)~~

~~In addition to the information provided above, facilities are required to sign an attestation that all of the fuel procured by the biomass facilities meets the eligibility requirements specified in SB 1250 and described in Section III. B. of this Guidebook. The Energy Commission reserves the right to audit applicants to verify the eligibility of the fuel used by the facilities. The Energy Commission will perform random audits of these facilities.~~

If an applicant does not intend to reapply for funding eligibility, the applicant must still submit information on form CEC-1250E-4 by the facility for the previous year ~~in order~~ to receive payments for the final two billing months of the previous year. The Energy Commission ~~shall~~ may demand the repayment of all or some of the ERFP funds paid to the facility in the previous year if the facility does not provide the CEC-1250E-4 as required by the *Guidebook*.

Table 3: Invoicing Schedule

Billing Month	Invoice Due Date*	Anticipated Payment Date
January 2009	March 10, 2009	March 31 April 20, 2009
February 2009	April 10, 2009	April 30 May 20, 2009
March 2009	May 11, 2009	May 30 June 20, 2009
April 2009	June 10, 2009	June 30 July 20, 2009
May 2009	July 10, 2009	July 31 August 20, 2009
June 2009	August 10, 2009	August 31 September 20, 2009
July 2009	September 10, 2009	September 30 October 20, 2009
August 2009	October 13, 2009	November 220, 2009
September 2009	November 10, 2009	November 30 December 20, 2009
October 2009	December 10, 2009	December 31, 2009 January 20, 2010
November 2009	January 11, 2010	February 420, 2010 **
December 2009	February 10, 2010	March 420, 2010 **
January 2010	March 10, 2010	April 20, 2010 March 31, 2010
February 2010	April 12, 2010	May 20, 2010 April 30, 2010
March 2010	May 10, 2010	June 20, 2010 May 31, 2010
April 2010	June 10, 2010	July 20, 2010 June 30, 2010
May 2010	July 12, 2010	August 20, 2010 August 2, 2010
June 2010	August 10, 2010	September 20, 2010 August 31, 2010
July 2010	September 10, 2010	October 20, 2010 September 30, 2010
August 2010	October 11, 2010	November 20, 2010 November 1, 2010
September 2010	November 10, 2010	December 20, 2010 November 30, 2010
October 2010	December 10, 2010	January 20, 2011 December 31, 2010
November 2010	January 10, 2011	February 20, 2011 ** January 31, 2011 **
December 2010	February 10, 2011	March 20, 2011 ** February 28, 2011 **
January 2011	March 10, 2011	April 20, 2011 March 31, 2011
February 2011	April 11, 2011	May 20, 2011 May 2, 2011
March 2011	May 10, 2011	June 20, 2011 May 31, 2011
April 2011	June 10, 2011	July 20, 2011 June 30, 2011
May 2011	July 11, 2011	August 20, 2011 August 1, 2011
June 2011	August 10, 2011	September 20, 2011 August 31, 2011
July 2011	September 12, 2011	October 20, 2011 September 30, 2011
August 2011	October 10, 2011	November 20, 2011 October 31, 2011
September 2011	November 10, 2011	December 20, 2011 November 30, 2011
October 2011	December 12, 2011	January 2010, 2012
November 2011	January 10, 2012	February 20, 2012 ** January 31, 2012 **
December 2011	February 10, 2012	March 20, 2012 ** February 29, 2012 **

* Invoices are due approximately 40 days after the billing month. If the invoice due date falls on a weekend or State of California Holiday, invoices are due on the next business day.

** Payments may be withheld and/or delayed to address overpayments associated with a facility's excess fossil fuel usage.

Late invoices may result in the reduction or forfeiture of incentive payment based on the availability of funds.

California Energy Commission

VI—Annual Reporting Requirements for Biomass Facilities

Biomass facilities that receive funding from the ERFP are required to annually report to the Energy Commission the types and quantities (tonnage) of biomass fuels used to generate electricity at the facility. The Energy Commission will report the types and quantities of fuels used by each facility annually in the ~~Renewable Resource Trust Fund~~ *Energy Program's Annual Report to the Legislature*. To meet the mandated deadlines for the Annual Report, all facilities eligible for funding must resubmit an update of page 1 of form CEC-1250E-4 by August 15th of each year. The fossil fuel section of this form does not need to be filled out for the mid-year update. To maintain consistency between the generation and incentive payment information reported in the Annual Report and the fuel usage information, the submittals due on August 15 of each year shall provide biomass fuel usage from May of the previous year through April of the current year. As an example, the submittal due August 15, 2009, will cover fuel usage from May 1, 2008, through April 30, 2009. (Payment for April generation is made in June, and the Annual Report is done on a fiscal year basis.)

VII—Prevailing Wage Requirements

Facility owners that receive production incentives under the ERFP must comply with the state prevailing wage law in accordance with Public Utilities Code Section 399.14, subdivision (h), which provides as follows:

Construction, alteration, demolition, installation, and repair work on an eligible renewable energy resource that receives production incentives or supplemental energy payments pursuant to Sections 25742 and 25743 of the Public Resources Code, including work performed to qualify, receive, or maintain production incentives or supplemental energy payments is "public works" for the purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

As a result of Section 399.14, subdivision (h), any construction, alteration, demolition, installation, and/or repair work performed on an eligible renewable energy resource that receives ERFP production incentives is deemed to be "public works" and is subject to the state prevailing wage law with respect to any such work performed on the facility. Generally, this means that the facility must comply with California Labor Code Section 1771 by paying prevailing wage for such work done on such facilities and also must fulfill the reporting and apprenticeship requirements set forth in California Labor Code sections 1776 and 1777.5.

Section 399.14, subdivision (h), addresses the following types of work:

- Construction (includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land survey work).
- Alteration
- Demolition
- Installation
- Repair

Work of this type is made subject to the state prevailing wage law by Public Utilities Code Section 399.14, subdivision (h), and the Department of Industrial Relations (DIR) Determination *Re: Salton Sea 6 Geothermal Power Plant Project, Public Work Case 2002-043 (April 10, 2003)*.

Under DIR Determination *Re: Maintenance, Renewable Energy Resources, Public Work Case 2002-043 (November 12, 2003)*, a facility owner is not subject to the state prevailing wage law with respect to maintenance work that is performed on the facility. Under this DIR Determination, maintenance work on a renewable energy facility does not fall within the scope of Public Utilities Code Section 399.14, Subdivision (h), and therefore is not required to pay prevailing wage.

A facility owner who contracts for work covered by the prevailing wage law is the agent awarding the contract for the public work, and therefore is the “awarding body” as defined in California Labor Code Section 1722. This means that for purposes of compliance with the prevailing wage law, the facility owner shall comply with the provisions applicable to recipients of public funds AND the provisions applicable to an awarding body. As such, compliance with the state prevailing wage law includes without limitation the following:

- Determining work activities and trades subject to the requirements to pay prevailing wage under the prevailing wage law.
- Ascertaining applicable prevailing wage rate for each covered worker performing work activities subject to the prevailing wage law on the project.
- Specifying in calls for bids, bid specifications, and construction contracts the applicable prevailing wage.
- Ensuring all contracts for work activities on the project subject to prevailing wage include appropriate flow down provisions.
- Posting the applicable prevailing wage information at each job site of the project.
- Ensuring payment prevailing wage as applicable.
- Overtime and working hour requirements.
- Apprenticeship obligations.
- Payroll recordkeeping requirements.
- Withholding payments from contractors as necessary to satisfy wage and penalty assessments issued by the Labor Commissioner.
- Other obligations as required by law.

The applicable provisions of the state prevailing wage law are set forth in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and, California Code of Regulations, Title 8, Chapter 8, Subchapter 3, commencing with Section 16000.

Facility owners shall comply with the state prevailing wage law as a condition of receiving ERF funding and any production incentives under the ERF. The facility owner shall comply with the state prevailing wage law as both the recipient of public funds and the awarding body and shall include appropriate flow-down provisions in all agreements with contractors and subcontractors for the performance of work on the facility that are subject to the prevailing wage law.

In addition, upon completion of any work subject to the state prevailing wage law ~~pursuant to~~ under Public Utilities Code Section 399.14, subdivision (h), the facility owner and all involved contractors and subcontractors must submit a certification verifying compliance with the state prevailing wage law. The facility owner must submit this certification within 90 days of completing the work. The certification shall be as provided in the Prevailing Wage Compliance Certification Form included in Section IX of this *Guidebook*. Lastly, the facility owner must certify as part of any payment invoice submitted to the Energy Commission that it has continued to comply with the state prevailing wage law. The facility owner shall ensure that all agreements with contractors for public works activities on the facility contain the following flow-down provisions:

a) Contractor shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for all construction, alteration, demolition, installation, or repair work over \$1,000 performed under the contract. Contractor's obligations under prevailing wage laws include without limitation:

- 1) Payment of not less than the applicable prevailing wage for public works activities performed for the Facility;
- 2) Compliance with overtime and working hour requirements;
- 3) Compliance with apprenticeship obligations;
- 4) Compliance with payroll recordkeeping requirements; and
- 5) Compliance with other obligations as required by law.

b) Contractor shall ensure that the above requirements are included in all subcontracts for public works activities for the Facility.

DIR oversees prevailing wage issues, including coverage determinations, enforcement, record keeping, and apprenticeship requirements. The Energy Commission recommends that questions concerning prevailing wage requirements be directed to DIR. Contact information for DIR may be found at www.dir.ca.gov.

VIII—Definitions

For definitions of pertinent terms refer to the *Overall Program Guidebook* for the Renewable Energy Program.

IX—Forms, Instructions, and Samples

Application for Confidential Designation (A Template for Confidentiality Applications-Subject to Change) and a Check List for Submitting Confidential Information

CEC-1250E -1 -- Application for Funding Eligibility

CEC-1250E -2 -- Monthly Invoice Form

CEC-1250E -3 – Authorized Signatures Form

CEC-1250E -4 – Biomass and Fossil Fuels Usage Report for Biomass Facilities

STD-204 -- Vendor Data Record

Prevailing Wage Compliance Certification Form

Sample of Monthly Payment Statement

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

APPLICANT: _____

ADDRESS: _____

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data for which you are seeking a designation of confidentiality must be included with this application.**

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: _____

Signed: _____

Name (print or type): _____

Title: (print or type)_____

Representing:_____

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

Checklist for Submitting Confidential Information¹

- ☐ The submitted application and/or supporting materials must have an identifiable and/or complete docket number typed or printed on the materials. The Docket Number for the Existing Renewable Facilities Program is 02-REN-1038
- ☐ A complete *Application for Confidential Designation* must include the materials for which confidential designation is being sought. Also, include a clear, rational justification for your request and site the government code or law that allows for the material to be held confidential (e.g. Gov. Code, § 6254.7 (d)).
- ☐ You must submit confidential materials labeled as confidential, and accompany them with a complete application for confidentiality.
- ☐ The application for confidentiality must be signed by an authorized representative of your company, and/or includes the certification as required by regulation. (Cal. Code Regs., Title 20, § 2505(a)(1)(G).)
- ☐ The application for confidentiality must have an original signature (Not a copy).
- ☐ You must submit **five copies** of the application for confidentiality and **five copies** of the supporting and confidential material.
- ☐ The data submitted with your application for confidentiality must be consistent with the data identified in your application for confidentiality. Please make sure that the data is clearly identified and labeled.

¹ This checklist is advisory. The Energy Commission may modify what is required for a complete confidentiality application.

Instructions for CEC-1250E-1 Application for ERFP Funding Eligibility

If a facility meets the eligibility requirements described in the *Guidebook* for the ERFP, it may apply for funding using CEC-1250E-1. A vendor data record (STD-204) and authorized signatures form (CEC-1250E-3) must be submitted with the CEC-1250E-1 to receive funding. Following are specific instructions for completing each section of CEC-1250E-1:

If this form does not provide enough space for the answers of certain questions, please use a separate sheet and include that sheet with this form.

Please select whether you are submitting an original application or submitting amendments to a previous application.

Select Original Application if you have never registered for funding eligibility for the facility in question. All items in the form must be completed or the application will not be accepted.

1. **CEC ID Number** –The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERFP after January 1, 2007. (First-time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Name of Facility** –Current full name of the generating facility.
3. **QFID Number** –The ID number assigned by your utility. This is sometimes also called the log number.
4. **RPS Certification Number** –The ID number assigned to your facility by the Energy Commission when it was certified for RPS eligibility.
5. **Facility Contact Person** – Name, title, telephone/fax number, and email address of contact person for questions or concerns the Energy Commission may have with regards to facility operations. Also provide the physical address or location of the facility.
6. **Facility Owner** – Contact name, address, telephone/ fax numbers, and email address of the business or company that owns the facility.
7. **Payee Name** – The name and address to which payments are to be sent. Also include the name, title and contact information of the primary contact for payments.

8. **Qualifying Facility Status** – Indicate whether the facility is certified as a Qualifying Facility under Section 292.207 of Title 18 of the Code of Federal Regulations.
9. **Facility Ownership** – Indicate whether the facility is now, or has been in the past, owned by an investor-owned utility or a local publicly owned electric utility.
10. **Self-generation** – Indicate if *all* of energy generated at this facility is used exclusively on site (self-generation).
- ~~11. **CTC Exclusion** – Indicate if *all* of the energy generated at this facility is excluded from any applicable competitive transition charge (such as an over the fence transaction).~~
- ~~12.~~11. **Energy Sold to Out-of-State Customers** – Indicate if all of the energy generated at this facility is sold to customers located outside California.
- ~~13.~~12. **Energy Sold to Local Publicly-Owned Electric Utility Customers** – Indicate if all of the energy generated at this facility is sold to customers of a local publicly-owned electric utility.
- ~~14.~~13. **Type of Energy Contract** – Select whether you have a contract with an IOU or other entity. Within each category please make the appropriate selections to further specify the type of contract the facility has.
- ~~15.~~14. **Energy Source** – Energy source used for generation at the facility.
- ~~16.~~15. **Capacity** – The sum capacity, in megawatts, of all electrical generating equipment employed at the facility.
- ~~17.~~16. **Net Capacity** – The net capacity, in megawatts, of all electrical generating equipment employed at the facility, excluding parasitic or onsite load.
- ~~18.~~17. **Operational Date** – The first date the facility began generating electricity. (Restarts should use the original online date that the facility became operational)
- ~~19.~~18. Total funding (in \$) received from California state government sources other than the Energy Commission since January 1, 1998. Please itemize by program or state source.
- ~~20.~~19. Total funding (in \$) expected from the Energy Commission's ERFP for generation through December 31, 2011.
- ~~21.~~20. Total funding (in \$) expected from other state government sources through December 31, 2011. Please itemize by program or state source.

| ~~22~~21. Total state tax credits received by facility or the facility owner (in \$) since 1998.

| ~~23~~22. Total federal tax credits received by facility or the facility owner (in \$) since 1998.

| ~~24~~23. Market value of the facility (in \$). A facility's market value may be based on the facility's assessed value for property tax purposes. If market value is based on the facility's assessed value for property tax purposes, please indicate whether the assessment is made by the county and/or another local or state government entity. Other calculations for market value may be the facility's net present value of their contract revenue stream, book value, or salvage value. When reporting the facility's market value, please state the basis for this determination.

| ~~25~~24. Provide an explanation of how incentive payments from the ERFP will allow the facility to become cost-competitive by the end of the 2011 calendar year.

- a. Specific milestones addressing how the facility plans to decrease costs and/or increase revenues to become self-sustaining and cost-competitive by December 31, 2011. Provide milestones for progress made by January 1 and June 30 of 2008, 2009, 2010, and 2011.
- b. A list of obstacles the facility may encounter in meeting each milestone.
- c. A list of actions the facility may undertake to help mitigate the obstacles identified in 2b.
- d. An explanation of how the Energy Commission can measure the facilities progress toward meeting their milestones and becoming self-sustaining and cost-competitive by December 31, 2011.
- e. A list of fixed and/or variable costs that are expected to increase and/or decrease.
- f. Identify fuel costs and what factors affect the increases and/or decreases in fuel costs.
- g. A description of how the facility plans to mitigate increases in fixed and variable costs or fuel costs.

| ~~26~~25. An explanation of the public benefits provided by the operation of the facility.

| ~~27~~26. **Third-Party Billing Statement** – Include a copy of the most recent utility (or other independent third-party metering entity) billing statement, please include the entire statement.

- 28.27. Estimate of monthly target price needed under the ERFP (in cents/k~~W~~^{wh}) for the calendar year in which applicant is applying for funding. Please provide an explanation of why this target price level is needed, and how the incentive payments from the ERFP will allow the facility to become cost-competitive and self-sufficient by December 31, 2011. Please address how changes in contract prices and market conditions relative to previous incentive levels affect the estimated target price provided by the applicant.
- 29.28. Estimate of monthly incentive cap needed under the ERFP (in cents/k~~wh~~^{kWh}) for the calendar year in which applicant is applying for funding. Please provide an explanation of why this incentive level is needed, and how the incentive payments from the ERFP will allow the facility to become cost-competitive and self-sufficient by December 31, 2011. Please address how changes in contract prices and market conditions relative to previous incentive levels affect the estimated incentive cap provided by the applicant.
- 30.29. Please choose the method for calculating incentive payments: either based on the time-weighted average monthly energy price, or based on the time-of-use energy prices. Time of use energy payments will be on the TOU periods that are specified by the IOU contracts (e.g. on-peak, partial-peak, mid-peak, off-peak, and super off-peak). The Energy Commission will **NOT** make payments based on hourly fluctuations in market prices.
- 31.30. Declaration – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505. Applicants seeking confidential designation should send their forms and supporting documentation, along with an application for confidentiality, to the Executive Director instead of to the RPS Program as follows:

*Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814.*

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:
California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.

Applicants seeking confidential designation should send their forms and supporting documentation, along with an application for confidentiality, to the Executive Director instead of to the RPS Program as follows:

Executive Director, California Energy Commission, 1516 Ninth Street, MS-39, Sacramento, CA 95814.

SECTION 1 – REQUIRED INFORMATION

1. CEC ID #	2. Name of Facility	3. QF ID #	4. RPS Certification #
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SECTION 2 – FACILITY INFORMATION

5. Primary Facility Contact Person			Title	Telephone
Physical Address or Location			County	Fax
City	State	Zip	E-mail Address	
6. Facility Owner				
Owner Contact Person			Title	Telephone
Address				Fax
City	State	Zip	E-mail Address	
7. Payee Name (30 Characters Maximum, including spaces)				
Payee Contact Person			Title	Telephone
Payee Address				Fax
City	State	Zip	E-mail Address	

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM

SECTION 3 – ELIGIBILITY INFORMATION

<input type="checkbox"/> Yes <input type="checkbox"/> No	8. Is the facility certified as a Qualifying Facility pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations?
<input type="checkbox"/> Yes <input type="checkbox"/> No	9. Is the facility now, or has the facility previously been, owned by an investor-owned or local publicly owned electric utility?
<input type="checkbox"/> Yes <input type="checkbox"/> No	10. Is the <u>entire</u> output from this facility to be used <u>exclusively</u> for on-site (self) generation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	11. Is the entire output from this facility excluded from an applicable competitive transition charge?
<input type="checkbox"/> Yes <input type="checkbox"/> No	11 <u>12</u> . Is the entire output from this facility sold directly to an out-of-state customer?
<input type="checkbox"/> Yes <input type="checkbox"/> No	12 <u>13</u> . Is the entire output from this facility sold directly to a customer of a local publicly owned electric utility (such as a municipal utility)?
<u>13</u> 14 . Energy Contract	
Investor Owned Utility <input type="checkbox"/> PG&E <input type="checkbox"/> SCE <input type="checkbox"/> SDG&E <input type="checkbox"/> Other (specify): _____ Contract Type <input type="checkbox"/> SO1 <input type="checkbox"/> SO2 <input type="checkbox"/> SO3 <input type="checkbox"/> ISO4 <input type="checkbox"/> Negotiated <input type="checkbox"/> Other (specify): _____ Specify date contract was originally signed - _____ Specify date the contract is scheduled to end - _____	
Is this facility currently receiving energy payments under an amendment to the above contract? <input type="checkbox"/> NO, this facility is receiving energy payments under “traditional” SRAC values. <input type="checkbox"/> NO, this facility is receiving energy payments under the above contract. (Provide information below) <input type="checkbox"/> YES (Provide information below) Average Annual Energy Value (cents/kWh) _____ Date Amendment Scheduled to end _____	
Is this facility currently receiving payments under a contract that provides “All-In” pricing, and does NOT have a separable energy price component? <input type="checkbox"/> NO (Provide the following) Provide the facility’s average annual capacity price (in \$ per kW-yr) under current power purchase contract. _____ <input type="checkbox"/> YES (Provide the following) Provide your average annual “All-In” contract price (cents/kWh) _____	
<u>14</u> 15 . Energy Source	
<input type="checkbox"/> Biomass <input type="checkbox"/> Solar Thermal <input type="checkbox"/> Wind	
<u>15</u> 6 . Capacity of Facility (MW)	<u>16</u> 7 . Net Capacity of Facility (MW)
<u>17</u> 8 . Operational Date	

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission’s confidentiality regulations, 20 California Code of Regulations Section 2505.

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM

SECTION 4 – REQUIRED ADDITIONAL INFORMATION CURRENT AND PROJECTED STATE FUNDING SOURCES

189. Total funding (in \$) received from other California State Government Sources since January 1, 1998. Please itemize by program or state source in the rows below.

	\$
	\$
	\$
	\$

2019. Total funding (in \$) expected from the California Energy Commission's Existing Renewable Facilities Program for generation through December 31, 2011.

	\$
--	----

2021. Total funding (in \$) expected from other State Government Sources through December 31, 2011. Please itemize by program or state source in the rows below.

	\$
	\$
	\$
	\$

STATE AND FEDERAL TAX CREDITS

2122. Total State Tax Credits Received by Facility (in \$) Since 1998. (Indicate if the facility qualifies for these credits but is unable to take advantage of them and the reason(s) why. Also, please provide supporting documentation listing type of tax credit and amount).

	\$
--	----

2223. Total Federal Tax Credits Received by Facility (in \$) Since 1998. (Indicate if the facility qualifies for these credits but is unable to take advantage of them and the reason(s) why. Also, please provide supporting documentation listing type of tax credit and amount).

	\$
--	----

MISCELLANEOUS

2324. Market Value of the Facility (in \$). Please state the basis for determining the market value in the row below:

	\$
--	----

2425. As an attachment, please provide an explanation of how the incentive payments from the Existing Renewable Facilities Program will allow the facility to become cost-competitive by the end of the 2011 calendar year

2526. As an attachment, please provide an explanation of the public benefits provided by the operation of the facility.

2627. As an attachment, please provide a copy of one of your recent billing statements from your utility (or other independent third-party metering entity).

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

E

PROGRAM FUNDING

2930 30. I choose to have incentive payments from the ERFP based on the following (Please select one):

- ☐ Average Monthly Energy Price
- ☐ Time-of-Use Energy Prices

30. DECLARATION

Signature:

ENERGY COMMISSION USE ONLY

(Attach separate sheets if necessary)

- ☐ Further information needed for determination (attach explanation)

Reviewer

Date

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

Instructions for CEC-1250E-2 Monthly Invoice Report

All eligible renewable facilities wishing to receive funding from the California Energy Commission's Existing Renewable Facilities Program are required to submit a signed CEC-1250E-2 on a monthly basis. Failure to submit this form by the specified due dates (see the *Existing Renewable Facilities Program Guidebook*, Table 3, or the Energy Commission's Web page, www.energy.ca.gov/renewables/documents/index.html, may result in forfeiture of payments for the specified month. Typically, invoices are due by the 10th of the second month following the month of generation (i.e. January 2009 generation is due March 10, 2009). All invoices must be accompanied by acceptable third-party verification (see guidebook for description of acceptable verification). If the third-party verification is **NOT** available by the invoice due date, you must still submit the invoice by the due date and select the "Estimated Generation" box in Section 6 of the invoice form. You must then follow up with the third-party verification as soon as it is available. Following are specific instructions for completing each section of CEC-1250E-2:

ADJUSTMENT – If you are submitting an adjustment to a previous month's generation submittal, check this box next to Section 1.

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission's ERFP when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission's ERFP if the facility first applied for funding from the ERFP after January 1, 2007. (first time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **QFID #** – The ID number assigned by your utility. This is sometimes also called the log number.
3. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2).
4. **Statement Period** – The billing month and year.
5. **Please check one** – Check the appropriate box in this section. If the production in section 5 is substantiated by accompanying third party verification, select the first box; if you do not have appropriate third-party verification and are submitting an estimated generation amount, check the box labeled "Estimated Generation" and provide an explanation of why an estimate is being submitted along with the invoice.

6. **Production (in kWh)** – Number of kWh's of generation eligible for funding in a given billing month and based on the statement of an independent third party. Provide only total production if you have opted to receive payments based on average monthly energy prices.
7. **Contact** – The name of the person to contact in the event there is a problem with the invoice submitted.
8. **Phone #** – Phone number of the contact person.
9. **Fax #** – Fax number of the contact person.
10. **Declaration** –The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company

Invoices shall be submitted to the Energy Commission by the due dates shown in Table 3, Invoicing Schedule.

The Energy Commission must receive invoices no later than 11:59 p.m. if by fax or 5 p.m. PST if by mail, on the due date specified in the Invoicing Schedule.

An eligible facility that fails to invoice the Energy Commission properly for a given billing month, as specified herein, shall not receive payment for that billing month.

E

MONTHLY INVOICE REPORT

EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:

California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512
Fax: (916) 653-1435

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.

1. CEC Identification #:

**ADJUSTMENT**

2. QFID #:

3. Facility Name/Owner:

4. Statement Period:

5. Please check one:



Based upon attached third-party statement



Estimated Generation

6. Total Production (Generation in kWhs)

On-Peak

Mid-Peak/Partial-Peak

Off-Peak

Super Off-Peak

7. Contact:

8. Phone #:

9. Fax #:

10. DECLARATION

I, (print name and title) _____, hereby declare under penalty of perjury that the information provided in this invoice is true and correct to the best of my knowledge and that I am an authorized officer of the above named company with authority to submit this invoice on the company's behalf and attest to the matters set forth herein. I further declare under penalty of perjury that I have reviewed the electricity production data included in the attached statement(s), and, to the best of my knowledge, that it does not overstate the amount of electricity production supplied to the transmission grid or distribution system by the above named facility, and that the following statements are true and correct to the best of my knowledge with respect to the energy identified in item 6 of this invoice: (a) the energy was not used for on-site for the facility's own electrical demand (self generation); (b) the energy does not receive monthly average energy payments or, if eligible for TOU payments, TOU period energy payments at a price above the applicable target price for the facility as identified in the *Guidebook*; (c) the energy was not sold directly to a local publicly-owned electric utility customer; and (d) the energy was not sold directly to an out-of-state customer. I further declare under penalty of perjury that prevailing wages were paid for work activities on the facility that were subject to the prevailing wage law and covered by the period of this invoice and that above-named company and all contractors and subcontractors complied with all the prevailing wage law requirements as set forth in the *ERFP Guidebook*.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure

Instructions for CEC-1250E-3

Authorized Signatures Form

All facilities requesting funding from the Existing Renewable Facilities Program must submit the CEC-1250E-3 form, Authorized Signature Form. Only monthly invoices signed by persons listed on this form shall be accepted. Any time an authorized signer needs to be added or removed, a revised CEC-1038E-4 needs to be submitted with the Amended Form box checked. Following are specific instructions for completing each section of CEC-1250E-3:

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERFP after January 1, 2007. (First time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2).
3. **Contact** – The name of the person to contact in the event there is a problem with the invoice submitted.
4. **Phone Number** – Phone number of the contact person.
5. **Fax Number** – Fax number of the contact person.
6. **Authorized Signatures** – Print the names and provide signatures of all persons authorized to sign the Monthly Invoice Reports.
7. **Declaration** – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

E

AUTHORIZED SIGNATURES FORM EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:

**California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512**

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.



AMENDED FORM

1. CEC Identification #:

2. Facility Name/Owner:

3. Contact:

4. Phone #:

5. Fax #

6. Please print the names and provide signatures of all persons authorized to sign the Monthly Invoice Reports. Provide primary signer on the first line.

Print Name

Signatures

☐ ADD

☐ ADD

☐ ADD

☐ ADD

7. DECLARATION

I, (print name and title) _____, as an officer of the above named facility owner hereby authorize the above named individual to submit monthly invoices on the facility owner's behalf.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

Instructions for CEC-1250E-4 Biomass and Fossil Fuel Usage Report for Biomass Facilities

Biomass facilities applying for funding from the ERFP are required to report their fossil fuel and biomass fuel usage and also list their biomass fuel suppliers by January 31 of each year. Payments for the October, November, and December statement periods will be withheld until the facilities submit this information. Late submission of this report may result in loss of payment for the above mentioned statement periods. To complete this form, download the form, available from the California Energy Commission website (www.energy.ca.gov/renewables/documents/index.html). You must enable macros for this form to work properly. If you need additional lines on the supplier list, click on the button titled "Insert Row." E-mail completed forms to Jason Orta, or the current ERFP staff lead, then print and sign the forms and mail them to the address on the form.

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERFP after January 1, 2007. (First time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2). Registration Form, CEC-1038E-2.
3. **Contact** – The name of the person to contact concerning the information submitted on this form.
4. **Phone Number** – Phone number of the contact person.
5. **Fax Number** – Fax number of the contact person.
6. **Period Covered in this Report** – The calendar year covered by this report. Biomass facilities are required to annually report fossil fuel and biomass fuel usage along with a list of biomass fuel suppliers.
7. **Type of Fossil Fuel Used** – Please report the type of fossil fuel used by this facility.
8. **Total Energy Input of Fossil Fuel (mmBTU)** – Please report the facility's total fossil fuel usage in mmBTUs.

9. **Percentage of fossil fuel used by the facility on a total energy input basis during the previous calendar year** – Please report the percent of fossil fuels used by dividing the sum of the answers in 12 with the sum of the answers in 9.

10. **Total Energy Input of Fossil Fuel (mmBTU)** – Please report the facility's total fossil fuel usage in mmBTUs

11. **Do you expect the facility to have fossil fuels comprise less than 5 percent of fuel use on a total energy input basis in the upcoming calendar year?** – Please check "yes" or "no."

7.12. **Types of Biomass Fuel Used** – Please report the quantity and supplier of the following types of biomass fuel used by this facility during the period covered by this form: a) Agricultural Crops, Waste, Residue, b) Solid Waste Materials, and c) Wood/Wood Waste from Forests

8.13. **Quantity of Biomass Fuels Used (in Tons)** – Please report the tonnage of the biomass fuels used. Provide the units of measure (Dry tons, wet tons, etc.)

9.14. **Total Energy Input of Biomass Fuel (mmBTU)** – Please report the facility's biomass fuel usage in mmBTUs.

10. **Type of Fossil Fuel Used** – Please report the type of fossil fuel used by this facility.

11. **Quantity of Fossil Fuel Used** – Please report the volume of fossil fuel used by this facility. Provide the units of measure (Gallons, therms, etc.)

12. **Total Energy Input of Fossil Fuel (mmBTU)** – Please report the facility's total fossil fuel usage in mmBTUs.

13. **Percentage of fossil fuel used by the facility on a total energy input basis during the previous calendar year** – Please report the percent of fossil fuels used by dividing the sum of the answers in 12 with the sum of the answers in 9.

14. **Do you expect the facility to have fossil fuels comprise less than 5 percent of fuel use on a total energy input basis in the upcoming calendar year?** – Please check "yes" or "no."

15. **Biomass Fuel Suppliers** – Please provide a list of biomass fuel suppliers including: the supplier name, address or location of where the fuel was harvested or picked up, a supplier contact person, the type of fuel delivered (agricultural waste, urban solid waste materials, or forest wood, wood wastes), the quantity of fuel delivered (in bone dry tons), and the energy content of the fuel supplied (in mmBTU).

16.15. Declaration – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

E**Please submit form to:**

California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512
Fax: (916) 653-1435

Please print or type.

Instructions for completing this form
are contained in the *Existing Renewable*
Facilities Guidebook.

1. ERFP Supplier # 1. RPS Certification # 2. Facility Name/Owner

3. Contact:4. Phone #:5. Fax #6. Calendar Year Covered by this Report:7. Types of Fossil Fuel Used8. Quantity of Fossil Fuel Used9. Total Energy Input of Fuel (mmBTU)

10. Percentage of fossil fuel used by the facility on a total
energy input basis during the previous calendar year.

11. Do you expect the facility to have fossil fuels comprise
less than 5-percent of fuel use on a total energy input
basis in the upcoming calendar year?

☐ Yes ☐ No

12. Type of Biomass Fuel Used

13. Quantity of Biomass Fuel Used
(Indicate if Green Tons or Dry Tons)

14. Total Energy Input of Fuel
(mmBTU)

a. Agricultural Crops, Waste, Residueb. Solid Waste Materialsc. Forest Wood/Wood Waste

I, (print name and title) _____, hereby
declare under penalty of perjury that the information provided in this report is true and correct to the best of my
knowledge and that I am an authorized officer of the above named company with authority to submit this report on
the company's behalf and attest to the matters set forth herein.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

Instructions for STD-204

Vendor Data Record

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646, and Internal Revenue Code, Section 6109. This form must be on file with the Energy Commission in order for any payments to be made. If you have any questions about this form, please contact the California Franchise Tax Board at 1-800-852-5711. Following are instructions on filling out STD-204:

1. **Return Form To** -- Already completed by the Energy Commission.
2. **Vendor information** -- Please enter your business name and address; if you are a sole proprietor, enter the owner's full name.
3. **Vendor Entity Type** -- Please check the appropriate box.
4. **Vendor's Taxpayer ID Number** -- Please enter your federal ID number. If you are an individual/sole proprietor, please enter your social security number.
5. **Vendor Residency Status** -- Please check the appropriate box corresponding to your residency status.
6. **Registering Signature** -- The registration must be signed by an authorized representative or officer such as the Chief Executive Officer or Chief Financial Officer of the corporation, or a similar officer with authority to bind the company.

PREVAILING WAGE COMPLIANCE CERTIFICATION FORM

This certificate is to be completed by Grantee, signed by Grantee and all construction contractors and subcontractors, and submitted to Energy Commission within 90 days of completing any construction, alteration, demolition, installation, or repair work subject to the state prevailing wage law pursuant to Public Utilities Code section 399.14, subdivision (h).

Grantee: _____

~~CEC Identification #:~~ ~~Energy Commission Funding Award Notice Number:~~

Facility: _____

Date Facility Construction Completed: _____

Grantee hereby certifies as follows:

1. All construction contracts and subcontracts to perform work activities subject to the state prevailing wage law for the above referenced Facility contained requirements that the construction contractors and subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the California Labor Code.
2. Prevailing wages have been paid as required by law.
3. All construction contractors and subcontractors have maintained labor records as required by the Labor Code and such records shall be made available to the Energy Commission upon request.
4. The undersigned Grantee acknowledges that disbursement of any payments of production incentives under the above noted Agreement by the Energy Commission is expressly made in reliance upon the representations made in this certification.

Grantee:

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____

Each contractor and subcontractor performing work activities subject to the prevailing wage law for the above referenced Facility must sign below. Include additional pages if necessary.

Construction Contractor and Subcontractors hereby certifies as follows:

1. The contract with Grantee to perform work activities subject to the prevailing wage law for the above referenced Facility contained requirements that the construction contractor and all its subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
2. Prevailing wages have been paid as required by law.
3. Construction contractor and all its subcontractors have maintained labor records as required by the Labor Code and such records shall be made available to the Energy Commission upon request.
4. The undersigned construction Contractor acknowledges that disbursement of any payments of production incentives under the above noted Agreement by the Energy Commission is expressly made in reliance upon the representations made in this certification.

Construction Contractor

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____

Construction Contractor

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____